

REMARKS

Reconsideration is requested. Claims 1-24 are pending. Responsive to the Office Action of April 15, 2004, the Examiner's comments have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

New claims 14-24 have been amended in the attached **supplemental paper** to comply with 37 CFR 1.173(b). Namely, these new claims are now underlined in their entirety.

Reissue Oath/Declaration

The Office Action noted that the reissue declaration was defective for failure to specifically identify at least one error to support the reissue application. **A replacement Reissue Application Declaration By The Assignee accompanies this Response.** Applicants submit that the replacement declaration specifically identifies the errors which support the reissue application.

Defective Reissue Oath/Declaration Rejections

The subject matter of claims 1-24 was rejected under 35 U.S.C. §251 as based upon a defective reissue oath/declaration.

Applicants have submitted a replacement reissue declaration and, therefore, respectfully submit that claims 1-24 are in condition for allowance.

Objection Based on Written Consent of Assignees

An objection to the application was raised in the Office Action based on a lack of written consent from all assignees and a belief that the assignee had changed since the filing of the reissue. Applicants respectfully submit that the current assignee (i.e., LXN Corporation) is the same assignee as at the time of the reissue filing and that a proper Consent of Assignee for Reissue Application was filed on July 30, 2002.

Serial No. 10/075,944

CONCLUSION

Applicants respectfully request that, in light of the amendments and explanations above, the Examiner reconsider and withdraw his rejections. Applicants respectfully submit that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicants invite the Examiner to telephone the undersigned so that issuance can be expedited.

Respectfully submitted,

By: \_\_\_\_\_

Mayumi Maeda  
Reg. No. 40,075

Johnson & Johnson  
International Patent Law Division  
Attention: Philip Johnson  
P.O. Box 1222  
New Brunswick, NJ 08903  
(408) 956 4790  
Dated: 10/4/04